

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

CM No. /2024

IN

Service Appeal .No. 980 /2024

Mr. Muhammad Zareef (**Management Cadre BS-17**) SDEO(M) Paharpur  
District DIKhan under transfer as OSD at Directorate of E&SE Peshawar

..... Appellant

VERSUS


Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat,  
Peshawar and Others

..... Respondents


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Yours Humble Appellant

  
Muhammad Zareef  
Through Counsel

Dated 13/09/2024

  
KHALID MAHMOOD  
Advocate High Court

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

①

CM No. /2024

IN

Service Appeal .No. 980 /2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15792

Dated 18-09-24

Mr. Muhammad Zareef (**Management Cadre BS-17**) SDEO(M)  
Paharpur District DIKhan under transfer as OSD at Directorate of  
E&SE Peshawar

..... Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil  
Secretariat, Peshawar and Others

..... Respondents

**APPLICATION WITH THE REQUEST TO SUSPEND THE  
OPERATION OF IMPUGNED NOTIFICATION No.  
SO(MC)E&SED/4-16/2024/ PT/SDEO (M)/NW DATED: 12-09-  
2024 ISSUED BY RESPONDENT NO 2, TILL FINAL  
DECISION OF INSTANT SERVICE APPEAL AND IN THE  
MEANWHILE RESPONDENT MAY ALSO BE ABSATINED  
FROM TAKING ANY ACTION DETRIMENTAL TO THE  
SERVICE CAREER OF THE APPELLANT.**

Respectfully Sheweth,

1. That the above titled service appeal is pending before this Honorable Court and fixed for arguments for 18.09.2024, grounds of CM may please be considered as an integral part of the subject appeal.
2. That Appellant transferred from SDEO(M) Paharpur DIKhan to Directorate of E&SE as OSD and Respondent No.7 (Teaching Cadre BPS-16) appointed as SDEO(M) Paharpur District DIKhan against management cadre/ Administration cadre post vide notification dated 25.06.2024 which is clear cut violation of the judgements of this Hon'ble Court as well as Honorable Service Tribunal, which was challenged before this Hon'ble Tribunal.
3. That reply of Respondent No.2 is already submitted before Hon'ble Tribunal, but Respondent No.2 malafidely posted the

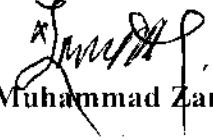
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appellant as SDEO (M) Ramzak NWD vide Notification No. SO(MC)E&SED/4-16/2024/ PT/SDEO (M)/NW DATED: 12-09-2024, copy of Notification dated 12.09.2024 is annexed as Annexure-X.


4. That the Appellant has got a good prima facie case on law as well as on facts and there is every likelihood of the success of the instant Service Appeal. Hence balance of convenience tilts in favor of appellant.
5. That the Notification dated 12.09.2024 is on the basis of nepotism and favoritism because the tenure of appellant has not been completed, but Respondent posted as SDEO(M) Razmak. Therefore in case of non-suspension of notification dated 12.09.2024, the appellant will suffer an irreparable loss.

***It is, therefore, humbly prayed that on acceptance of the present CM petition, the operation of Notification dated 12.09.2024 may please be suspended and respondent may please be desisted from taking any action detrimental to the service career of appellant till decision of service appeal.***

Yours Humble Appellant

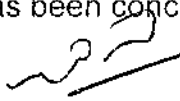
  
Muhammad Zareef  
Through Counsel

Dated: 13/09/2024

  
Khalid Mahmood,  
Advocate High Court  
Stationed at D I Khan  
0336-4330001

**AFFIDAVIT**

I, Mr. Muhammad Zareef s/o Nawaz Ali, MC (BPS-17) OSD Education department do hereby solemnly affirm and declare on oath that all the Para-wise contents of this CM are true and correct to the best of my knowledge and nothing has been concealed deliberately from this Honorable Court.

  
**Identified by Counsel:**  
Khalid Mahmood  
Advocate High Court  
Stationed at D.I.Khan



  
**Deponent**

12103-1502382-3

Amef - X

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Better Copy

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Dated: 12<sup>th</sup> September 2024

**NOTIFICATION**

**No.SO(MC)E&SED/4-16/2024/PT/SDEO(M)/NW:** The following posting/ transfer are hereby ordered with immediate effect, in the best public interest:-

S.#	Name & Designation	From	To
	Muhammad Zareef (MC BS-17)	Awaiting Posting	SDEO(Male) Razmak, NWD Vice Sr.No.2
1	Mr. Habib Ullah Jan (TC BS-17)	SDEO (Male) Razmak NWD	At the disposal of Directorate of E&SE

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT**

Endst of even No. & date:-

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE: Department with the request to upload the same on the official website of the department.
4. District Education Officers (Male) North Waziristan.
5. District Accounts Officers North Waziristan.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. PA to Director DCTE, Abbottabad.

SD

(JANBAZ AHMED)

SECTION OFFICER (Management Cadre)

**ATTESTED**

*[Signature]*  
**KHALID MEHMOOD**  
Advocate High Court  
Stationed at D.I.Khan

KHALID MEHMOOD  
Advocate High Court  
Str. No. 114, 115

ATTESTED

SECTION OFFICER (Management Cadre)

(JANHAZ AHMED)

*[Handwritten Signature]*

- 1 Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2 Director, E.A.S.I. Khyber Pakhtunkhwa, Peshawar
- 3 Director I.A.S.S. E.A.S.S.I. Department with the request to upload the same on the official website of the department
- 4 District Education Officer (State) North Waziristan
- 5 District Account Officer North Waziristan
- 6 PS to Secretary, E.A.S.S.I. Department, Khyber Pakhtunkhwa
- 7 PA to Director DCTE, Abbottabad.

(Copy forwarded for information to the:-)

Under of even No & date:

SECRETARY TO THE GOVT. OF KHYBER PAKHTUNKHWA  
E.A.S.S.I. DEPARTMENT

No	Name of officer	From	To
1	Muhammad Zia ul	Waiting Posting	S.D.O (State) Razmak, NWI
2	(MC 18-17)		Vec St. No 2
3	Mr. Habibullah Jan		At the disposal of Directorate of
4	(DC 18-17)		E.A.S.S.I.

with temporary effect in the best public interest

NO SOMERELASDUE 2021 E.A.S.S.I. DEPARTMENT. The following postings/transfers are hereby ordered

**NOTIFICATION**

Dated the Peshawar 17<sup>th</sup> September 2021



GOVERNMENT OF KHYBER PAKHTUNKHWA  
SECRETARY AND SECRETARY TO THE GOVERNMENT  
HOUSE, PAF Opposite MPA's Hostel, Civil Secretariat Peshawar  
P. No. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

